

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 534, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, line 42, delete "if the" and insert "**if:**".
- 2 Page 4, line 1, before "consent" begin a new line block indented and
- 3 insert:
- 4 **"(1) the".**
- 5 Page 4, line 4, delete "." and insert "**; or**
- 6 **(2) the mother executes a written consent to the substitution**
- 7 **of a petitioner for the adoption."**
- 8 Page 4, line 4, beginning with "The" begin a new line blocked left.
- 9 Page 4, line 22, delete ";" and insert "**and acknowledges that the**
- 10 **person:**
- 11 **(A) understood the consequences of the signing of the**
- 12 **consent to adoption;**
- 13 **(B) freely and voluntarily signed the consent to adoption;**
- 14 **and**
- 15 **(C) believes that adoption is in the best interests of the**
- 16 **person to be adopted;"**.
- 17 Page 4, between lines 32 and 33, begin a new paragraph and insert:
- 18 **"(c) If a hearing under this section is conducted by telephonic**
- 19 **communication or video conferencing, the court shall ensure that**
- 20 **the hearing is recorded."**

Page 7, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 12. IC 34-24-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. A prospective adoptive parent may bring a civil action against a person who commits unauthorized adoption facilitation under IC 35-46-1-22, even if the person has not been prosecuted or convicted of the offense under IC 35-46-1-22. In an action under this section, a prospective adoptive parent may seek an award of the following:**

(1) An amount not to exceed three (3) times the amount that the prospective adoptive parent paid for the adoption services provided to the prospective adoptive parent in the commission of unauthorized adoption facilitation under IC 35-46-1-22.

(2) The costs of the action.

(3) A reasonable attorney's fee.

SECTION 13. IC 34-24-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. It is not a defense to an action for punitive damages that the defendant is subject to criminal prosecution for the act or omission that gave rise to the civil action. However, a person may not recover both:**

(1) punitive damages; and

(2) the amounts provided for under section 1 or 1.5 of this chapter."

Page 7, line 38, delete "This section does not apply" and insert **"Only a person that is an attorney licensed to practice law or a child placing agency licensed under the laws of any state or the District of Columbia may advertise, on the person's own behalf, in a telephone directory that:**

(1) a child is offered or wanted for adoption; or

(2) the person is able to place, locate, or receive a child for adoption.

(b) A person that publishes a telephone directory that is distributed in Indiana may publish an advertisement described in subsection (a) in the telephone directory only if the advertisement contains the following:

(1) For an attorney licensed to practice law, the person's attorney number.

(2) For a child placing agency licensed under the laws of any

1 state or the District of Columbia, the number on the person's
2 child placing agency license.

3 (c) A person who knowingly or intentionally violates this section
4 commits unauthorized adoption advertising, a Class A
5 misdemeanor."

6 Page 7, delete lines 39 through 42.

7 Page 8, delete lines 1 through 25.

8 Renumber all SECTIONS consecutively.

(Reference is to SB 534 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Bray

Chairperson